



DMCJA Board of Governors Meeting
Friday, January 12, 2018, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge Scott Ahlf
Judge Linda Coburn
Judge Karen Donohue (by phone)
Judge Michelle Gehlsen
Commissioner Rick Leo
Judge G. Scott Marinella
Judge Samuel Meyer
Judge Kevin Ringus (non-voting)
Judge Rebecca Robertson
Judge Douglas Robinson
Judge Damon Shadid
Judge Charles Short (by phone)

Guests:

Judge Blaine Gibson, SCJA
Ms. Kim E. Hunter, WSBA
Ms. Cynthia Marr, DMCMA
Loyd Willaford, Esquire, WSAJ

AOC Staff:

Ms. Vicky Cullinane
Ms. Sharon R. Harvey
Ms. Susan Peterson

Members Absent:

Judge Douglas Fair
Judge Michael Finkle
Judge Dan B. Johnson (non-voting)
Judge Michael Lambo
Judge Mary Logan (non-voting)
Judge Judy Jasprica (non-voting)

CALL TO ORDER

Judge Ahlf, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:30 p.m. Judge Ahlf asked attendees to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes for December 8, 2017.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Board members reviewed the Treasurer's Report located in the materials. Judge Gehlsen reported she is receiving many 2018 dues checks.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Board members reviewed the December 31, 2017 bank statement located in the materials. Judge Meyer reported the account gained \$4.30 in interest.

D. Standing Committee Reports

1. Legislative Committee

Judge Meyer reported the 2018 Legislative Session started on Monday, January 8, 2018, and the DMCJA Executive Legislative Committee met on the first day of the Legislative Session. He further reported the DNA Samples bill, House Bill (HB) 2331, was dropped and had a public hearing on January 9, 2018. He testified on behalf of the DMCJA and was encouraged by the reception from the House Committee on Public Safety. He reported that other DMCJA proposed bills have not yet had hearings but will likely receive hearings in the near future. These DMCJA proposed bills include: (1) Powers of Commissioners, Senate Bill (SB) 6142, (2) Interlocal Agreements for Probation Services, HB 2605, (3) Small Claims, Engrossed Substitute House Bill (ESHB) 1196, and (4) the Discover Pass, SB 5342.

Judge Meyer then brought the following bills to the Board's attention: (1) Senate Bill (SB) 5989, *Concerning Small Claims Court*, which raises the small claims jurisdictional limit from \$5,000 to \$10,000, and allows motions to transfer cases to district and superior courts when an attorney files an appearance and/or jury trial request payments are made; (2) HB 2314, *Concerning Marriage Licensing and Solemnization by County Auditors*, which allows a county auditor to solemnize a marriage, eliminates the three-day waiting period, and says the actual auditor (not staff) will solemnize the marriage; (3) SB 5987, *Concerning Pretrial Release Programs*, which addresses the *Blomstrom V. Tripp* issue regarding judges not requiring random urinalysis for pretrial defendants; (4) SB 6025, *Increasing Success in Therapeutic Courts*, which he explained adjusts/amends what can be deemed as treatment and expands it, but is problematic because the prime sponsor wants it to apply only to drug courts, rather than all therapeutic courts. Ms. Melanie Stewart, DMCJA Lobbyist, will work on making sure the bill applies to all drug courts and DMCJA members participate on a created panel group. (5) HB 2421, *Creating a Program for the Consolidation of Traffic-Based Financial Obligations*, which involves consolidation of traffic fines and is also known as universal cashing. He informed a fiscal note was administered and Judge David Steiner, DMCJA Representative on the Senate Bill (SB) 6360 Workgroup, informed him of the fiscal note impact. Judge Meyer further informed collection agencies do not like the bill, and, therefore, will circulate their own version of the bill.

Lastly, Judge Meyer discussed HB 2481 / SB 6189, *Changing Driving a Motor Vehicle with a Suspended or Revoked Driver's License Provisions*. He explained this bill decriminalizes driving while license is suspended or revoked in the third degree (DWLS 3rd). He explained this is the type of policy the DMCJA has not typically taken a position on in the past. Judge Ahlf inquired whether the Board would like to take a position on HB 2481/SB 6189, which decriminalizes DWLS 3rd. M/S/P to make this a discussion item.

E. Trial Court Advocacy Board (TCAB) Update

Judge Marinella reported that TCAB met today and revisited court funding for district and qualifying municipal court judges' salaries. The TCAB will work with cities and counties regarding the issue. The group plans to make legislative proposals for the next biennium. Judge Ringus inquired why the TCAB did not work together on the court security issue. Judge Marinella responded that court security issues impact some courts but not others, thus, the decision for TCAB is to focus on adequate court funding generally. The TCAB realizes that there may be competition for the same county dollars. The cost for courthouse security will be paid by counties and these costs may be exorbitant.

F. Judicial Information Systems (JIS) Report

Ms. Cullinane reported on the status of the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project. She informed, after ending contract negotiations with the Apparent Successful Vendor, Journal Technologies, Inc. (JTI), the Project Steering Committee wants to pursue further discussions with the second ranked vendor, Tyler Technologies (Tyler). The RFP evaluators and the Steering Committee will see demonstrations by Tyler and be able to have open discussion to clarify areas of concern on January 23 and 24, 2018. The CLJ-CMS Project team put together a list of where they saw gaps, as well as questions and/or concerns noted by evaluators. On the afternoon of January 25, 2018, the Steering Committee will get back

together and decide what direction they want to go in. If satisfied with Tyler, they will go forward with Tyler; if not, the other option is to go back to the RFP and start over. Despite the brief delay, she said, they are still moving full speed ahead with the CLJ-CMS Project.

In addition, Ms. Cullinane reported on the Expedited Data Exchange Project. She informed the King County Clerk's Office has pushed their implementation date off until April 2018. Ms. Cullinane said this is helpful because the integrations with some applications may not be ready. In addition, King County District Court has pushed their implementation date off until August 2018. She informed there may be a period of time when people will have to go to the King County websites for information on King County cases. Ms. Cullinane explained the cases will not disappear from the JIS database until something changes on them. But if something happens on it, it will be deleted out of JIS and then one will have to go to King County's website for the information. Also, no new King County cases will show up in JIS during this time. She explained that when everybody is not on the same system, this is what happens. No two systems are structured the same, and so data exchange between them is complex and difficult. Until the data exchange is complete, this work around is needed. The dates for exchanges with different applications may change; Ms. Cullinane will update the Board on the expected dates as more is known.

Lastly Ms. Cullinane reported on the impacts of the Department of Licensing (DOL) DRIVES project. The DOL is replacing their existing legacy systems with a new system, which will be implemented in September 2018. Therefore, all of the data exchanges with all AOC systems must be ready by September 2018.

LIAISON REPORTS

A. Board for Judicial Administration (BJA)

Judge Ringus reported the BJA has not met since November 2017. He further reported the BJA Legislative Committee had a teleconference this week, and the Committee is considering whether to take a position on legislation that would remove the death penalty. He further reported that the Joint Legislative Reception, scheduled for January 18, 2018, is next week, and he passed out a flyer to Board members for the event.

B. District and Municipal Court Management Association (DMCMA)

Ms. Marr reported the DMCMA Board met on January 11, 2018, and that education continues to be a focus. She informed that their 2018 Spring Regionals will be in April. The Minority and Justice Commission is putting on a poverty simulation, and the cost will be \$50 for a full day of training and lunch. Ms. Marr also reported their Spring Conference will take place in May 2018 at the Campbell's Resort in Chelan, Washington, and Chief Justice Mary Fairhurst and State Court Administrator Callie Dietz will attend. Ms. Marr further reported that DMCMA will be watching HB 2421, Traffic LFO Consolidation, along with King County's unified payment (UP) program, which models a consolidated payment system. She informed that Ms. Trish Kinlow, Tukwila Municipal Court Administrator, reported that the pilot for the UP program had 900 cases signed up as of January 2018. Further, King County is trying to assist defendants and do what the Legislature wants to see implemented. Lastly, she reported the DMCMA Board reviewed and approved minor revisions to DMCMA's Policy & Planning Manual at their meeting yesterday.

Judge Marinella thanked Ms. Marr for providing a copy of the September DMCMA meeting minutes. Ms. Marr said they will continue to provide DMCMA Minutes for the Board.

C. Superior Court Judges' Association (SCJA)

Judge Gibson reported that Judge G. Helen Whitener, Pierce County Superior Court, presented a Color of Justice proposal to the SCJA Board. The Color of Justice is looking to partner with others outside of Pierce County to expand future Color of Justice events. The SCJA Board is currently considering the request to sponsor these efforts across the state. In addition, Judge Gibson reported the SCJA website will be revamped. The state constitution provides for the superior courts' rulemaking. The first slate of rules will be posted for comment and voted on at their spring conference. One of the rules is modeled after the Western District rule about prohibition of bias. Lastly, Judge Gibson reported there was a court security report article in

the Seattle Times, which alerts people to the lack of security in many courthouses. He informed court security has been a major push for the SCJA this year, and they hope various counties will go to the Legislature to request more courthouse security funding. Judge Donohue, National Association of Women Judges, offered to help develop a program for the Color of Justice and do what she can to help support their efforts.

D. Washington State Association for Justice (WSAJ)

Mr. Willaford reported the WSAJ gives out service awards to judicial officers who have served 20 years or more and asked the Board to provide him with a list of names of judicial officers who have served at least 20 years. He informed that the WSAJ gives out these awards at their Annual Law Day Celebration, which is usually in May. Ms. Harvey will send Mr. Willaford a list of qualified judicial officers. Mr. Willaford also informed he will attend the Joint Legislative Reception on January 18, 2018.

E. Washington State Bar Association (WSBA)

Ms. Kim E. Hunter, the new WSBA Board of Governors (BOG) liaison, introduced herself to the Board and reported on the BOG's meeting November 15-16, 2017. At that meeting, the BOG had a discussion about what a few other states and foreign jurisdictions are doing on entity regulation, namely regulation of entities that provide legal services. In addition, the BOG heard about the Washington State Bar Foundation's programming and fundraising activities. The Foundation's purpose is fundraising for WSBA programs, such as its moderate means program, its Call to Duty program that supports veterans, and diversity and inclusion, and anyone interested can make a donation on the Foundation's website. The BOG received an orientation from Access to Justice (ATJ) Board leaders about the Board's structure and 2018-2020 "blueprint" for their work. Ms. Hunter may provide copies to the DMCJA Board upon request. The BOG also heard about the Washington Leadership Institute fellows' most recent service project, which is an educational campaign to address anti-Islamic rhetoric and misperceptions. Ms. Hunter further reported that the BOG approved several matters at their meeting, including: the formation of a new Cannabis Law Section, Juvenile Offense Representation Guidelines (recommending that the Supreme Court add Performance Guidelines for Juvenile-Offense-Representation to its Standards for Indigent Defense), the roster for the Mandatory Malpractice Insurance Task Force, additional members to the Civil Litigation Rules Drafting Task Force roster, which includes Judge Robertson, and amendments to the Indian Law Section Bylaws. Lastly, Ms. Hunter reported the WSBA had no recommendation regarding the Supreme Court case that unanimously ruled that a Seattle Law School honors graduate with prior theft and drug convictions would be allowed to sit for the state bar exam, reversing the Character and Fitness Board. The WSBA did recognize the graduate as someone who could sit for the state bar exam, which was the recommendation of the Supreme Court.

Ms. Hunter further informed that the WSBA wants to have a more positive relationship with its members. Therefore, the WSBA has created a task force to engage its members. She said the WSBA welcomes any comments Board members want to share, and comments can be kept confidential if preferred. She informed the next WSBA BOG meeting is scheduled for January 18-19, 2018.

ACTION

1. *Part-Time Municipal Court Position 6 Appointment (Term Expires 2020) – Request for Board Ratification*

M/S/P to ratify the DMCJA President's decision to appoint Judge Coburn to fill the Part-Time Municipal Court Position 6 vacancy left by Judge Melanie Dane, which will continue until 2020. As such, Board Position 10 will be eliminated.

2. *Funding Request: Pro Tempore Coverage for CLJ-CMS Project Evaluators*

M/S/P to allocate up to fifteen thousand dollars (\$15,000) for CLJ-CMS Project Evaluators and Steering Committee members.

3. Official DMCJA Position Request for HB 2481 / SB 6189, *Changing Driving a Motor Vehicle with a Suspended or Revoked Driver's License Provisions*

M/S/P for the DMCJA to take "no position" on HB 2481/SB 6189, which decriminalizes DWLS 3rd.

DISCUSSION

- A. Funding Request: Pro Tempore Coverage for CLJ-CMS Project Evaluators

Judge Robertson requested allocated funding to cover additional expenses for CLJ-CMS Project Evaluators. Additional funding for Pro Tempore coverage would likely guarantee that evaluators are able to participate. The AOC provides reimbursement for travel expenses. M/S/P to move to this topic to an action item.

- B. Survey Request for Judges Demographic from Brenden Higashi, Washington State University Ph.D. Candidate

Ms. Harvey addressed the Board's questions about a request the Board received from Washington State University Ph.D. Candidate Brenden Higashi to distribute a Judges Demographic Survey to the DMCJA membership. Ms. Harvey spoke with Mr. Higashi, and he informed her that the raw data is not disclosable because it is a student survey. In addition, he said the judges do not have to answer any question they do not want to answer. Lastly, he informed Ms. Harvey the deadline to receive survey responses is the middle of February. Judge Robertson suggested taking out (1) the political survey questions, and (2) the request for personally identifiable information. Judge Ahlf asked Ms. Harvey to tell Mr. Higashi the DMCJA will send the survey to its members when these items are removed.

- C. HB 2481 / SB 6189, *Changing Driving a Motor Vehicle with a Suspended or Revoked Driver's License Provisions*

The Board discussed whether the DMCJA should take a position on the decriminalization of DWLS 3rd in response to lively discussions on the DMCJA legal listserv. M/S/P to make this an action item.

INFORMATION

Judge Ahlf brought the following Informational items to the Board's attention:

- A. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings.
- B. Board members are encouraged to apply for DMCJA representative positions. Available positions include:
 - a. Presiding Judge & Administrator Education Committee (Co-Chair)
 - b. Washington State Access to Justice Board (Liaison Position).
- C. YMCA Thank You Letter for DMCJA Funding Support.
- D. 2017 DMCJA Annual Report.
- E. The Washington Attorney General submitted a report to the Washington Legislature, Supreme Court, and Governor regarding a Statewide Relicensing Plan on December 1, 2017, pursuant to Substitute Senate Bill (SSB) 6360. A link to the report was provided to Board members.
- F. The Joint Legislative Reception is on January 18, 2018, from 5:30 p.m. to 8:00 p.m., Foyer of the Temple of Justice in Olympia.

G. The Annual Washington State Judicial College is January 28 to February 2, 2018, at the Heathman Lodge, in Vancouver, Washington.

H. The 2018 Legislative Session begins on January 8, 2018 and ends on March 8, 2018.

OTHER BUSINESS

Judge Ahlf informed that Commissioner Linda Kipling, Island County District Court, has resigned from the bench. Commissioner Kipling served as Chair of the Bylaws Committee, thus, the position is now vacant. He inquired whether Board members were interested in this position. No Board members volunteered. Judge Ahlf and Ms. Harvey will look at the Bylaws Committee roster and determine whether any member would like to Chair the Committee.

Judge Marinella asked about an attendance policy and pointed out there is nothing in the DMCJA Bylaws that mentions it. He suggested members owe it to the people who elect the Board to attend, and he proposed contacting the Bylaws Committee to add it to the Bylaws. Judge Ahlf suggested the Board address this issue when a new Chair has been appointed to the Bylaws Committee.

The next DMCJA Board Meeting is scheduled for February 9, 2018, from 12:30 a.m. to 3:30 p.m., at the AOC Office in SeaTac, WA.

The meeting was adjourned at 2:15 p.m.